

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 2, 2006 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.06006

PROPOSAL: Vacate the east-west alley between 'Q' and 'R' streets from 24th St. to 25th St.

LOCATION: Between 'Q' and 'R' streets from 24th St. to 25th St.

LAND AREA: Approximately 4,800 s.f.

CONCLUSION: The Planning Department does not object to the alley vacation, as long as easements are retained for existing utilities and public access.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Alley abutting Lots 1-12, Block 3, Kinney's "O" Street Addition

SURROUNDING LAND USE AND ZONING:

North:	R-6	Residential
South:	R-6	Residential
East:	R-6	Residential
West:	R-6	Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

The land use plan identifies this area as urban residential. (F-23)

UTILITIES: There is a 8" sanitary sewer main along the centerline of the alley. Lincoln Electric System and Alltel report overhead and buried lines in the alley. A utility easement will be required over the entire alley. Any relocation of these utilities will be at the owners expende.

ANALYSIS:

1. The reason for vacating the alley according to the petition is to allow more room for the construction of a Club House for the apartment house residents and to improve the neighborhood.

STREET & ALLEY VACATION #06006

PAGE 2

2. Parking areas for the apartments take access off of the alley. The lots on the south half of the block do not have driveways to the abutting streets and can only access their parking area through the alley. If the alley is vacated, a public access easement over the vacated alley should be required.
3. A utility easement will need to be retained over the vacated alley for existing sanitary sewer main, phone lines and electrical lines.
4. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

PRIOR TO THE TRANSFER OF TITLE TO THIS PROPERTY, THE FOLLOWING MUST BE COMPLETED:

1. A utility easement and public access easement must be retained by the City.

Prepared by:

Tom Cajka
Planner

DATE: July 11, 2006

APPLICANT: Hepburn Properties
2039 "Q" St.
Lincoln, NE 68503
(402) 474-2121

OWNER: same as above

CONTACT: same as above



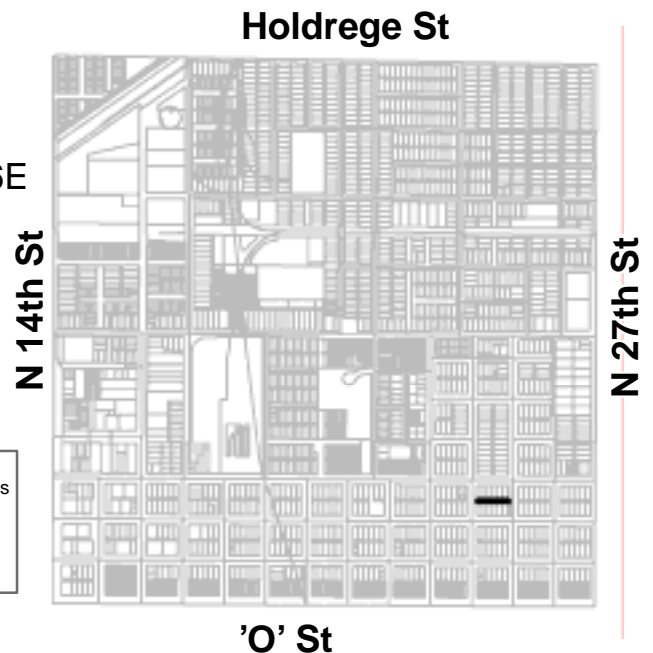
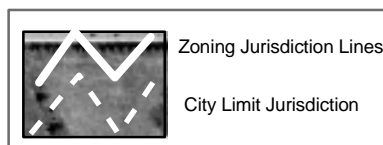
Street & Alley Vacation #06006 N 25th and 'R' Streets

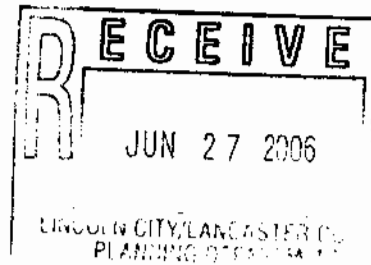
2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 24 T10N R06E





**PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN**

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.*)

All of the East-West Alley in Block 3, Kinney's "O" Street Addition, Lincoln,
Lancaster County, Nebraska

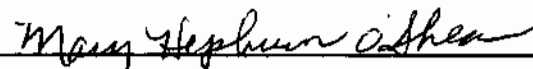
in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract NOT street address, i.e.: Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.*)

Lots 1-12, Block 3, Kinney's "O" Street Addition, Lincoln, Lancaster County,
Nebraska

DATED this 27th day of June, 2006.


Mary Hepburn-O'Shea, Managing Member,
Hepburn Properties, LLC

**(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION
BEFORE A NOTARY PUBLIC -- NOTARIAL ACKNOWLEDGMENTS ON REVERSE)**

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Hepburn Properties, LLC: Mary Hepburn O'Shea, General Manager

If more than one individual, indicate if you are:

_____ joint tenants with right of survivorship, OR _____ tenants in common LLC

2. Petitioner's Address: 2039 Q Street, Lincoln, Ne. 68503

3. Petitioner's Telephone Number: (402) 474-2121

4. Name of street, alley, or other public way sought to be vacated: All of the East-West Alley between 2411 R, 2423 R, 2445 R and 2400 Q, 2410 Q, 2430 Q and 2450 Q

Lincoln, Ne., all properties owned by Hepburn Properties, LLC

5. Legal description of Petitioner's property which abuts the public way sought to be vacated: _____

All lots on Block 3, Kinney's "O" Street Addition (Lots 1-12)

6. Why are you seeking to have this street, alley, or other public way vacated? To improve the neighborhood.

To build a Club House for the apartment house residents who live on the block and improve the property. Vacating the alley will allow for more room for the Club House and very few of the assisted living residents have cars.

7. What use or uses do you propose to make of the public way should it be vacated?

Private drive for picking up and delivering residents and additional land mass to existing lots.

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?

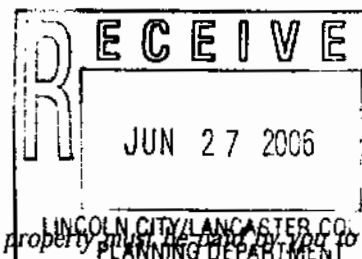
X YES _____ NO

9. Name and address of person to whom tax statement should be sent:

Hepburn Properties, LLC

2039 Q Street


Lincoln, Ne. 68503



The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

Dennis D Bartels/Notes
07/17/2006 09:50 AM

To Ray F Hill/Notes@Notes
cc Thomas J Cajka/Notes@Notes, Bernie L
Blum/Notes@Notes
bcc
Subject Re: SAV#06006 

Public Works recommends approval of the alley vacation subject to the conditions and recommendations in the July 3, 06 memo to Tom Cajka concerning SAV #6006.